

1 discussions about this proposal was the fact that, you know,
2 there's even the question mark out there as to how, if
3 someone is able under this proposal to get back into the
4 system and the credits that would be made over the five-
5 month period of time would reflect even to marketers that
6 there is going to be some income available to help offset
7 the cost.

8 We hope -- we truly hope that as we look, the
9 Commission looks at what's happening at the wellhead in
10 natural gas -- and we don't know whether we'll have the same
11 type of winter this winter that we had last year, but
12 certainly it's recognized that we had the coldest winter of
13 record last year and at a time when the supply side of
14 natural gas was very much depleted and the demand side was
15 much greater than normal and therefore, the price went out
16 the marketplace.

17 But hopefully that our marketers in our state will
18 look at these situations. This Commission has no governance
19 over the price of natural gas. We only can confide with law
20 that's dictated to us by the General Assembly of Georgia in
21 order to work with. We are trying to utilize every mechanism
22 that we can in letting the marketplace do what competition
23 does, as it is in the Telecommunications Act that we just
24 voted on a few minutes ago. We've seen what the competition
25 is there and we call on our marketers to help and do things

1 in that manner. And I hope that we can and I'm going to
2 hope to look for the Georgia community action agencies to be
3 one of the interested parties that would be looking at
4 implementation of the program. They've got 20 years of
5 experience statewide dealing with energy issues and I'm
6 hoping that that's a position that we can endorse.

7 Commissioner Burgess.

8 MR. LANGFORD: Mr. Chairman.

9 CHAIRMAN McDONALD: I'm sorry?

10 MR. LANGFORD: I'm asking that you suspend the
11 rules on this one --

12 CHAIRMAN McDONALD: I'm not going to suspend the
13 rules today.

14 MR. LANGFORD: We're sending people off to war to
15 fight terrorism and yet and still you all are allowing --

16 CHAIRMAN McDONALD: Mr. Langford, I'm asking you,
17 sir --

18 MR. LANGFORD: -- these marketers to terrorize
19 senior citizens --

20 CHAIRMAN McDONALD: I'm asking you, sir -- this is
21 a regular administrative session --

22 MR. LANGFORD: I'm pleading with you all to do the
23 right thing.

24 CHAIRMAN McDONALD: We are doing the right thing,
25 sir.

1 MR. LANGFORD: You are not doing -- you're a long
2 ways from doing the right thing. I beg to differ with you
3 on that. This staff cannot tell you how many people's gas
4 are cut off. They cannot give you accurate figures, you are
5 depending on that. The marketers and all of them have not
6 even been able to give you accurate facts, but yet you all
7 will make a decision --

8 CHAIRMAN McDONALD: Mr. Langford, one second --
9 hold it.

10 I'm willing to sit here and listen to you when
11 this administrative session is over. But we have a docket,
12 we have a procedure and we're going to follow that. And
13 when we adjourn this regular administrative session, I will
14 be glad to sit and listen to you as long as you want to
15 discuss it with me.

16 MR. LANGFORD: But does that agree with your
17 colleagues as well?

18 CHAIRMAN McDONALD: I don't know.

19 MR. LANGFORD: Well, why don't we just ask right
20 quick, let's do a little poll and see.

21 CHAIRMAN McDONALD: You've heard my position.
22 That's it.

23 MR. BOAZMAN: Mr. Chairman, why don't we -- what
24 we really need to do --

25 CHAIRMAN McDONALD: We have procedures --

1 MR. BOAZMAN: I understand, but Mr. Chairman, you
2 all are talking about a program that's supposed to help the
3 least of these. We've been here year after year, month
4 after month trying to craft something that's reasonable. If
5 you're going to do that --

6 CHAIRMAN McDONALD: We are in a recess. This is
7 off the record.

8 (Whereupon, there was an interruption in the
9 proceeding.)

10 CHAIRMAN McDONALD: Mr. Burgess.

11 COMMISSIONER BURGESS: Mr. Chairman, if I could be
12 recognized.

13 This Commission has been concerned and
14 compassionate trying to assist those who have had trouble
15 paying their bills. We don't have all the answers, but this
16 Commission has provided assistance.

17 And I put back on the table my recommendation from
18 last Thursday, that I still want to offer, for the five
19 month period beginning in November through March, for those
20 seniors that are qualified for the discount, a \$50 credit to
21 their bill each month for a five-month period. Based on the
22 number of seniors that are available for the discount today,
23 this would equate to about an \$8 million assistance and when
24 combined with Commissioner Baker's proposal, which is
25 designed to assist those who are currently disconnected or

1 subject to disconnection, get back on the system, I think
2 this goes a long ways toward ensuring that our seniors on
3 fixed income will be able to get back on the system as well
4 as maintain their service through these upcoming winter
5 months.

6 I put that proposal back on the table.

7 CHAIRMAN McDONALD: Anybody else?

8 COMMISSIONER BAKER: Well, let me just --

9 CHAIRMAN McDONALD: Go ahead.

10 COMMISSIONER BAKER: I'm sorry.

11 CHAIRMAN McDONALD: Go ahead.

12 COMMISSIONER BAKER: After the confusion, I just
13 want to re-emphasize, the proposal I'm putting forward today
14 is a first step. You know, this Commission understand its
15 obligation and the legislative mandate that has been handed
16 down to us and we're trying to act responsibly and trying to
17 address the problems that are out there. And we recognize
18 there are problems. And what we're trying to do as a first
19 step is to provide an opportunity to assist those low income
20 senior citizens who are easily identifiable with an
21 opportunity to receive on a dollar-for-dollar matching funds
22 basis financial assistance through the Universal Service
23 Fund to be administered by a third party agency to be
24 designated hopefully by the end of this week, and then to
25 provide notice to those customers who have been disconnected

1 and those customers who are subject to disconnection, that
2 this program is available and allow t hem the opportunity to
3 participate if they choose.

4 And this is what a first step is. I mean it's not
5 the final step, it's not going to be absolutely -- you know,
6 I understand it's not perfect, but this Commission is being
7 proactive, it's being responsive and we're taking a first
8 step and there's a long journey, so we're beginning the
9 journey. And we're going to try to make sure that deserving
10 consumers who have problems with their gas bills are offered
11 an opportunity to have service and to get assistance for
12 their unpaid balances for their gas bills. And that's it. I
13 mean if we need to take further action, we will look at
14 taking further action. This is not the final action, this
15 is the first action.

16 CHAIRMAN McDONALD: If parties had listened
17 carefully as I was proceeding through the agenda, I said
18 that this is a proposed discussion agenda. This item is not
19 going to be voted on today at this Commission, it is a
20 proposed discussion agenda.

21 We have put it in motion, it has to come back in a
22 regular agenda form in order to take total action on it.

23 Is there any other discussion on it?

24 VICE CHAIRMAN WISE: Mr. Chairman, yeah, I have
25 some comments on this.

1 I've listened to the debate and I've listened to
2 two separate proposals on these issues. And I'm sensitive
3 to this issue and what we're talking about here today, but
4 I'm still concerned about what we're trying to do and where
5 we're going with this and the fact that we're talking about
6 seniors, about low income folks, folks who have been
7 impacted by what we've commented about, this cold winter,
8 about the high gas prices. I still believe that the USF is
9 an appropriate use. This becomes another subsidy in an era
10 when we're trying to get away from subsidies.

11 If this is an over-funded account, as this USF
12 appears to be, if we can talk about a \$2 million proposal,
13 then an \$8 million proposal, it's time if these are over-
14 funded, to refund this fund to all ratepayers if in fact
15 we're not going to use it for the intent of which it was set
16 up.

17 I'm concerned that we're going to continue to go -
18 - and you know, if it wasn't going to be just the \$2
19 million, but then I hear Commissioner Baker talk about it's
20 a first step, so this means there's an ongoing issue that
21 there's going to be a second step and a third step. So we
22 talk about taking away subsidies, we talk about taking the
23 opportunities for competitive change to work to benefit the
24 ratepayers.

25 Again, as I said in Committee, the legislative

1 body that voted out Senate Bill 215 and in its wisdom formed
 2 the Universal Service Fund for line extension, there lies
 3 the body that should take care of these low income seniors
 4 damaged by high prices and cold winter. And if we're going
 5 to see real and meaningful relief, it should not come from
 6 this agency, but in fact the body that passed the
 7 legislation that has impacted these ratepayers so severely.

8 It's time to get away from funding out of the supplemental
 9 budget outhouses and concession stands for football fields
 10 and batting cages for high schools. If the legislature
 11 wants to do something, January is the time to go ahead and
 12 give real meaningful relief and not ask us at this time to
 13 invade the Universal Service Fund to further add subsidies
 14 in a situation that is not appropriate.

15 CHAIRMAN McDONALD: Any other comments?

16 VICE CHAIRMAN WISE: All the ratepayers pay for
 17 this, Mr. Chairman, and I think that if there is a place for
 18 a real and meaningful debate, it belongs across the street.

19 COMMISSIONER BAKER: I fundamentally agree with
 20 what you're saying, but we have an immediate problem here
 21 that we're trying to address with this proposal. And that
 22 problem, immediate problem, is those low income senior
 23 citizens who have been disconnected or are subject to
 24 disconnection in the immediate future. Now they're not
 25 going to wait until January and they're not going to wait

1 until next July and they shouldn't expect to wait that time.

2 And the legislation creating the Universal Service
3 Fund is very, very clear on its face as far as what is the
4 primary purpose of that fund. And if you look at the
5 language of the Code, the legislature has given a directive
6 to this Commission that says we want you to primarily direct
7 the funding from the Universal Service Fund to provide
8 assistance to low income customers in times of emergency, as
9 determined by the Commission.

10 I understand your concerns, but right now, we've
11 got an immediate problem and I think we need to be proactive
12 about it and provide some mechanism for those customers who
13 have been disconnected or are subject to disconnection, to
14 try to stay on the system and help them continue to pay
15 their bills to the marketers. So I'm asking, you know, that
16 this Commission take action today in authorizing the grant
17 of \$2 million from the Universal Service Fund, and that's \$2
18 million out of approximately \$25 million, to set up this
19 program and we will request an accounting of the
20 expenditures from whatever agency is selected to administer
21 this program. And I'm not saying to just wipe the debt off
22 the books and just give it away for free, but I think this
23 Commission has an obligation to take some action to provide
24 some affirmative relieve to consumers who are making a good
25 faith effort to pay their bills and to stay on the system.

1 I don't want to have, you know, a situation arising in the
2 future where we're going to find senior citizens with
3 incomes of less than \$12,000 not being able to have heat for
4 the winter time. We're not talking about a huge group of
5 folks that are qualified to receive these grants. And
6 they're probably the most needy in the state of Georgia.

7 So I understand your concerns about, you know,
8 being prudent and not handing out gratuities to consumers,
9 but in this particular case we've got a situation I think we
10 need to take some action on today, and I will propose a
11 motion to that effect, that this grant -- this authorization
12 for setting up this grant program be made today.

13 COMMISSIONER BURGESS: Mr. Chairman --

14 CHAIRMAN McDONALD: I have a motion and recognize
15 Commissioner Burgess.

16 COMMISSIONER BURGESS: Mr. Chairman, we've got a
17 clear legislative mandate here, it's not in question. The
18 General Assembly voted unanimously to give this Commission
19 the right to utilize this Universal Service Fund to assist
20 those that need assistance. And there's clear need, we've
21 identified some 70,000 households in this state where the
22 income is \$10,000 or less. These people are making
23 decisions daily as to whether or not they're going to have a
24 roof over their head, food to eat or their medication or pay
25 their utility bills. The need is always there, the need

1 will be there.

2 We've got a clear legislative mandate and funding
3 to help assist that need and I believe this Commission would
4 be acting irresponsible not to do so.

5 VICE CHAIRMAN WISE: Mr. Chairman, once again, you
6 know, if it was just the one step, but I've heard the
7 promise of a second step and a third step -- I've heard \$2
8 million, I've heard \$8 million. And that is my concern.

9 If the legislature had really wanted to do
10 something, while they had their spare time in the last
11 couple of months, they could have gone ahead and taken up
12 this issue and looked to provide real, true, meaningful
13 relief for the low income senior ratepayers in this state.

14 COMMISSIONER BAKER: The Governor sets the agenda
15 for the special session. The special session was restricted
16 to the reapportionment and the video poker issue. So while
17 I'm sure numerous legislators are concerned about this issue
18 and have constituents who are impacted by high gas prices
19 and have problems with meeting their obligations to their
20 gas marketers, their hands were tied, in effect, by the laws
21 of the state regarding what agenda items could be brought up
22 for discussion, and sure, they can bring it up next session
23 in January. But I'll just emphasize we're trying to address
24 an immediate situation and I don't think we can act
25 responsibly in saying let's wait until January to address

1 the issue.

2 CHAIRMAN McDONALD: Commissioner Burgess.

3 COMMISSIONER DURDEN: Mr. Chairman, I'll offer the
4 amendment to Commissioner Baker's motion with the five-
5 months \$50 credit for qualifying low income seniors
6 beginning November through March, 2002.

7 CHAIRMAN McDONALD: Okay.

8 COMMISSIONER BAKER: November billing cycle?

9 COMMISSIONER BURGESS: Yes, November billing
10 cycle.

11 CHAIRMAN McDONALD: Any other discussion?

12 (No response.)

13 CHAIRMAN McDONALD: We're looking at a total of
14 \$10 million out of the Universal Service Fund, we'll vote on
15 Commissioner Burgess' amendment first.

16 All those in favor, say aye.

17 COMMISSIONER BAKER: Aye.

18 CHAIRMAN McDONALD: Aye.

19 COMMISSIONER DURDEN: Aye.

20 COMMISSIONER BURGESS: Aye.

21 CHAIRMAN McDONALD: Opposed.

22 VICE CHAIRMAN WISE: No.

23 CHAIRMAN McDONALD: The ayes have it with
24 Commissioner Burgess, Durden, McDonald and Baker voting in
25 the affirmative; Commissioner Wise voting in the negative.

1 Now we'll move to Commissioner Baker's amendment.
2 All in favor of adopting Commissioner Baker's
3 amendment, say aye.

4 COMMISSIONER BAKER: Aye.

5 CHAIRMAN McDONALD: Aye.

6 COMMISSIONER DURDEN: Aye.

7 COMMISSIONER BURGESS: Aye.

8 CHAIRMAN McDONALD: Opposed.

9 VICE CHAIRMAN WISE: No.

10 CHAIRMAN McDONALD: The ayes have it with
11 Commissioners Burgess, Durden, McDonald and Baker voting in
12 the affirmative; Commissioner Wise voting in the negative.

13 You've heard the recommendation -- well, that
14 takes care of it.

15 Now what we'll need to do, of course, is we will
16 be soliciting from agencies such as Salvation Army, United
17 Way, Georgia Community Action Association, as the third
18 party, and others that might be interested, to formulate a
19 proposal to administer the funding on behalf of the \$2
20 million for the matching funds.

21 Is there any question about that, Commissioners?

22 (No response.)

23 CHAIRMAN McDONALD: Okay, we'll move to another
24 item of discussion, Docket Number 2.

25 MS. THEBERT: D-2 is Docket 8390-U, discussion of

1 marketer true-up issues.

2 This item was discussed at last Thursday's Energy
3 Committee meeting regarding certain marketers failing to pay
4 the true-up amount to AGL for disbursement to other
5 marketers. Staff was provided a list of marketer balances
6 last week and is currently working with the two marketers
7 who have not paid their quarterly true-up for the period of
8 January 2001 through March 2001.

9 Additionally, staff is verifying the amounts
10 currently in Infinite Energy's escrow account that should be
11 disbursed to the marketers. The verification should be
12 complete today and staff will notify AGL of the amounts to
13 be disbursed to the marketers.

14 CHAIRMAN McDONALD: Any questions or discussion
15 for Ms. Thebert?

16 (No response.)

17 CHAIRMAN McDONALD: Okay, thank you, ma'am.

18 MS. THEBERT: Thank you.

19 CHAIRMAN McDONALD: Gentlemen, any other issues to
20 come before the regular administrative --

21 (No response.)

22 CHAIRMAN McDONALD: We'll move to the
23 Transportation agenda. You have the agenda in front of you.
24 There's a consent agenda. Are there any items that you
25 desire to have held or moved to the regular agenda?

1 (No response.)

2 CHAIRMAN McDONALD: Hearing none, is there
3 objection to adopting the consent agenda as presented?

4 (No response.)

5 CHAIRMAN McDONALD: The consent agenda is adopted
6 4-0.

7 (Commissioners McDonald, Wise, Baker and
8 Burgess present and voting.)

9 CHAIRMAN McDONALD: We'll move to R-1

10 MS. O'LEARY: Commissioners, Transportation item
11 R-1 is Docket Number 17168-M, in the matter of Civil Penalty
12 Hearing for Scott Mason Enterprises, Inc. doing business as
13 A-1 Towing, Valdosta, Georgia. Consideration of recommended
14 order issued by Hearing Officer on September 24, 2001.

15 On June 21, the Commission issued a Notice of
16 Hearing to Respondent Scott Mason Enterprises, doing
17 business as A-1 Towing, alleging that the company violated
18 in four instances 49 CFR Section 391.51(a) by failing to
19 maintain driver qualification files on each driver employed;
20 violated in four instances 49 CFR Section 395.8(a) by
21 failing to require drivers to make a record of duty staff;
22 and violated in two instances Section 396.11(a) by failing
23 to require drivers to prepare driver vehicle inspection
24 reports. These violations were found to exist by PSC
25 Officer Clay Greene at a compliance review that he conducted

1 on March 19.

2 A hearing was requested by the Respondent and held
3 on August 13, 2001, at which time Hearing Officer Nancy
4 Gibson presided and heard evidence regarding these charges.

5 Mr. Mason appeared on that occasion and represented
6 himself. In doing so, he did not dispute the allegations
7 made against him, but instead took issue with the onerous
8 nature of the federal reporting requirements placed on him,
9 his company and his drivers.

10 In the recommended decision issued in this matter,
11 Hearing Officer Gibson found that the evidence presented by
12 Transportation staff supported the allegations made against
13 A-1 Towing and that a fine in the amount of \$4,260 should be
14 paid by Mr. Mason on his company's behalf.

15 Transportation staff recommends that the
16 Commission adopt the recommended decision of the Hearing
17 Officer as its final decision in this matter.

18 CHAIRMAN McDONALD: Are there questions of Ms.
19 O'Leary?

20 (No response.)

21 CHAIRMAN McDONALD: Is there objection to adopting
22 the Hearing Officer's recommendation?

23 (No response.)

24 CHAIRMAN McDONALD: The Hearing Officer's
25 recommendation is adopted 5-0.

1 MS. O'LEARY: Thank you.

2 (Commissioners McDonald, Wise, Durden, Baker
3 and Burgess present and voting.)

4 COMMISSIONER BAKER: Before we leave the
5 Transportation Division agenda, could I ask that -- I know
6 we had requested from Commissioner Burgess a letter or some
7 kind of documentation -- Tim Burgess from the Georgia
8 Department of Motor Vehicles --

9 (Laughter.)

10 COMMISSIONER BAKER: -- of this Commission's
11 authority to continue acting on Transportation issues
12 through October 31. Could I ask that that be made part of
13 the record, and the original be put into the record? All
14 right.

15 CHAIRMAN McDONALD: Is there objection?

16 (No response.)

17 CHAIRMAN McDONALD: I'd like to say of course
18 probably this is our last administrative session with our
19 Transportation Division. It has been a pleasure from this
20 side, I hope it has been on your side. We wish you well in
21 your new agency.

22 We'll move to the Administrative Affairs agenda.
23 Mr. Bond, do you --

24 MR. BOND: It's a consent agenda, Mr. Chairman.

25 CHAIRMAN McDONALD: Okay, is there any item that

1 you would like to be moved from the consent agenda to the
2 regular agenda?

3 (No response.)

4 CHAIRMAN McDONALD: Is there objection to adopting
5 the consent agenda as presented?

6 (No response.)

7 CHAIRMAN McDONALD: The consent agenda is adopted
8 5-0.

9 (Commissioners McDonald, Wise, Durden, Baker
10 and Burgess present and voting.)

11 CHAIRMAN McDONALD: Is there any other business to
12 come before this administrative session?

13 (No response.)

14 CHAIRMAN McDONALD: If not, we'll stand adjourned.
15 Thank you very much for your attendance.

16 (Whereupon, the administrative session was
17 concluded at 10:58 a.m.)
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C E R T I F I C A T E

I, William L. Warren, Certified Court Reporter, do hereby certify that the foregoing transcript is an accurate record of the proceedings had in the above-entitled matter at the time and place therein set forth.

William L. Warren

The minutes of the Administrative Session were approved this _____ day of _____, 2001.

Lauren McDonald, Jr., Chairman

Reece McAlister,
Executive Secretary